

**From:** Andrew Johnson  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

It is my belief the current proposed settlement with Microsoft is insufficient to punish Microsoft for illegally attempting to extend its desktop operating systems monopoly and to prevent it from re-attempting illegal activities in the future. While I believe an oversight board is necessary to ensure Microsoft's compliance with the court's ruling, I do not believe an oversight board alone is enough.

In the past, Microsoft has used its control of proprietary protocols and application programming interfaces (APIs), and extensions to open protocols and APIs, to prevent third party software from interacting properly with Windows. This has forced users wanting to use these protocols with Windows to use other Microsoft software, rather than third party software. It is also clear Microsoft intends to use similar tactics to establish a lock on Internet traffic and e-commerce through its control of .NET/HailStorm, MSN, and its other online properties. By causing Windows to require use of Microsoft online properties such as Passport, and building hooks to other Microsoft online properties into Windows, Microsoft hopes extend its desktop operating system monopoly to control the Web sites a user sees and uses on the Internet. Businesses trying to reach consumers via the Internet will have to do business with Microsoft or lose a vast majority of their audience.

I propose two additions to the settlement that will hopefully deny Microsoft the ability to illegally extend their current monopoly into new markets while allowing the company to retain its current monopoly and its ability to innovate:

- 1) Require Microsoft to publish all of its proprietary application programming interfaces (APIs) and protocols, and require its software to comply with published protocols. By forcing Microsoft to publish all of its proprietary protocols and APIs, the settlement would ensure non-Windows software could interoperate freely with Windows desktop software. Microsoft would also be required to comply with public specifications from third parties, since it has "embraced and extended" public protocols in the past in such a way as to prevent users from using third party software with Windows. The oversight board, in addition to ensuring Microsoft publishes all of its protocols and APIs, would monitor Microsoft for compliance with its own standards and standards published by others. It would receive and investigate complaints from third parties questioning the corporation's compliance, and take appropriate action if Microsoft was found to be incorrectly implementing standards to lock users into using only Microsoft software.

2) Require Microsoft to divest MSN and its other online properties, and bar it from owning online services in the future. This will prevent Microsoft from using its desktop monopoly to gain a monopoly on Internet traffic in general and Internet-based e-commerce in specific. Microsoft would be free to develop innovative new software solutions, but would be unable to use them to coerce users to use its online services only.

Adding these provisions to the Microsoft anti-trust settlement will both tangibly punish Microsoft for attempting to illegally extend its monopoly and help prevent it from doing the same in the future. Microsoft's monopoly in desktop operating systems would remain intact, as well as Microsoft's freedom to innovate. These measures would force the corporation to be a good industry citizen by denying it the capability to take advantage of its desktop operating system monopoly to dominate other markets.

Thank you for your time and consideration.

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